

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY, 1998.

PRESENT

THE HON'BLE MR. JUSTICE ASHOK BHAN.

AND

THE HON'BLE MR. JUSTICE S.R. VENKATESHA MURTHY.

WRIT PETITION NO. 10735/1998.

BETWEEN:-

Smt. Pushpavathamma, aged

about 68 years, w/o

Sri. K. Sreeramulu, G.P.A. Holder

residing at No. 33, II Main Road,

Vyalikaval, Bangalore. 33

..Petitioner.

(By Smt. Suguna R. Reddy., for

Sri. S. Chennaraya Reddy., for petr.,)

AND:-

1. The Karnataka Pollution

Control Board, 6th floor,

Utility Building,
M.G.Road, Bangalore,
rep.by its Secretary.

2. Bangalore Mahanagara Palike,
rep.by its Commissioner,
J.C.Road, Bangalore.24

3. Karnataka Electricity Board,
Kaveri Bhavan Building,
Kempegowda Road, Bangalore.9
rep.by its Secretary.

4. Sri G.K.Sreenivasiah,
major,in age, residing at
No.212/213, Sitarama Krupa,
Upper Palace Orchard,
Bangalore.80.

..Respondents.

(By Sri. H.Kantharaja.,GA for R-1)

Writ Petition filed under Articles 226
and 227 of the Constitution of India with an
affidavit praying to direct the R-1 to take
action as per the provisions of the Karnataka

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Pollution Control Act and Rules made thereunder, the R-2 to take action to cancel the licence and plan and occupation certificate issued to the R-4, the R-3 be directed to cancel the electricity supply extended to the premises of the R-4 and etc.,

Writ Petition coming on for prly.hg. this day, the Court made the following:-

O R D E R

ABJ & SRVMJ:

26.5.98.

Admittedly as per the averments made in the Writ Petition the area in which the petitioner is living is residential-cum-Commercial area. Petitioner has alleged that nuisance is being created by Respondent No.4 by carrying on certain Commercial activity. This needs investigation on facts by leading evidence. Such facts cannot be adjudicated upon in exercise of writ jurisdiction. Dismissed with liberty to the petitioner to take recourse to any other appropriate proceedings as per advice.

Sd/Judge.

Sd/-Judge.

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

6/6/98

sns(o.s.)

r.by: 8/6/98

c.by: L



